

ELECTION AND REMARKS

In the Office Action, the Examiner required restriction under 35 U.S.C. § 121 to one of the following five (5) proposed Groups (as characterized by the Examiner):

- I. Claims 1-7 and 44-48, drawn to a multiple modulus selection, classified in class 708, subclass 491.
- II. Claims 8-41 and 51-55, drawn to an accumulator, classified in class 708, subclass 708.
- III. Claims 42 and 43, drawn to a Montgomery multiplier, classified in class 708, subclass 620.
- IV. Claims 49 and 50, drawn to a partial product generator, classified in class 708, subclass 200.
- V. Claims 56-61, drawn to a high-radix Montgomery multiplier, classified in class 708, subclass 628.

In response to the restriction requirement, Applicant provisionally elects, with traverse, to prosecute Group II, including claims 8-41 and 51-55. Applicant specifically reserves the right to file one or more divisional applications directed to non-elected Groups I, III, IV, and/or V, including claims 1-7, 42-50, and/or 56-61.

Applicant notes that, according to MPEP 803, there are two criteria for a proper requirement for restriction: (1) the inventions should be independent or distinct; and (2) there must be a serious burden on the Examiner if restriction is required. Additionally, Applicant notes that the same section of the MPEP states: “If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions” (emphasis added).

Applicant respectfully submits that the subject matter of claims 1-61 is sufficiently related that a thorough search for the subject matter of any one group would encompass a search for the subject matter of the remaining groups. For example, all of the groups appear to be in class 708. Thus, it is respectfully submitted that the search and examination of the entire application can be performed without serious burden.

Therefore, it is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicated examination by the U.S. Patent and Trademark Office ("USPTO").

For all of the reasons stated above, reconsideration and withdrawal of the outstanding restriction requirement, and favorable allowance of all claims in the present application, is earnestly solicited.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned at 703.668.8026 (direct).

If necessary, the Director of the USPTO is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. § 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 08-0750, including, in particular, extension of time fees.

Respectfully submitted,
HARNESS, DICKEY & PIERCE, P.L.C.

By: 

John A. Castellano, Reg. No. 35,094
P.O. Box 8910
Reston, VA 20195
703.668.8000

AN 35,416

JAC/LFG/cm